



General Assembly

Substitute Bill No. 186

February Session, 2002

AN ACT CONCERNING CONSUMER FINANCIAL INFORMATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 42-371 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 (a) As used in this section:

4 (1) "Retailer" means any person who sells goods used primarily for
5 personal, family or household purposes to a person who is not in the
6 business of reselling such goods;

7 [(2) "Discount card or device" means any card or device issued by a
8 retailer to a consumer, that the consumer may use to obtain a discount
9 when making purchases from the retailer, including, but not limited to,
10 a scanner card;]

11 [(3)] (2) "Consumer" means an individual who is an actual or
12 prospective purchaser of goods used primarily for personal, family or
13 household purposes; and

14 [(4)] (3) "Consumer information" means information that identifies a
15 consumer and that is obtained by a retailer. [from the consumer's use
16 of a discount card or device issued by the retailer in the course of the
17 retailer's business.]

18 (b) No retailer [who issues, or has issued, a discount card or device
19 in this state to a consumer] may sell, lease or relinquish to or exchange
20 with any other person, firm or corporation any consumer information,
21 unless (1) the retailer provides reasonable prior written notice to the
22 consumer, (2) the retailer provides the consumer with the option [, at
23 the time the consumer applies for the discount card or device or at the
24 time the consumer receives an unsolicited discount card or device,] of
25 preventing the retailer from selling, leasing, [or] relinquishing or
26 exchanging such information, and (3) the consumer does not exercise
27 such option to prevent the retailer from selling, leasing, [or]
28 relinquishing or exchanging such information.

29 (c) Such notice shall (1) state that information identifying the
30 consumer may be sold, leased or relinquished to or exchanged with
31 other persons, firms or corporations, (2) describe the purposes for
32 which such information would be used, and (3) include a form the
33 consumer may use to prevent the retailer from selling, leasing, [or]
34 relinquishing or exchanging such information. The notice shall provide
35 the consumer with no less than sixty days from receipt of the notice to
36 exercise the consumer's option to prevent the retailer from selling,
37 leasing, relinquishing or exchanging such information.

38 (d) Nothing in this section shall be construed to supersede the
39 federal Fair Credit Reporting Act (15 USC 1681 et seq.).

40 (e) The provisions of this section do not apply to the [sale, lease or
41 relinquishing] selling, leasing, relinquishing or exchanging of
42 consumer information by a retailer to another person, firm or
43 corporation that directly or through one or more intermediaries,
44 controls, or is controlled by, or is under common control with, such
45 retailer.

46 (f) Notwithstanding the provisions of subsection (b) of this section, a
47 retailer may relinquish consumer information to (1) a credit rating
48 agency, as defined in section 36a-695, or a consumer reporting agency,
49 as defined in 15 USC 1681 et seq., provided such information may be

50 relinquished only if the discount card or device also functions as a
 51 credit card, as defined in section 53a-128a, (2) a person, firm or
 52 corporation performing or providing services used for the delivery of
 53 such retailer's promotional offers, or (3) a person, firm or corporation
 54 performing or providing services used for the delivery of such
 55 retailer's billing statements.

56 (g) Any violation of any provision of this section shall be deemed an
 57 unfair or deceptive trade practice under subsection (a) of section 42-
 58 110b.

59 (h) The provisions of this section shall not apply to the provision of
 60 consumer information by a retailer (1) to a financial institution, as
 61 defined in the Gramm-Leach-Bliley Financial Modernization Act of
 62 1999 (15 USC 6801 et seq.), if such information is subject to the
 63 provisions of said act, or (2) to any entity if such information is used by
 64 such entity only for administering a program on behalf of the retailer.

This act shall take effect as follows:	
Section 1	October 1, 2002

GL *Joint Favorable Subst.*

JUD *Joint Favorable*